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FIFTY-SEVENTH LEGISLATURE

NINETY-FOURTH LEGISLATIVE DAY
WEDNESDAY, APRIL 9, 2003

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Andreason, Burkett, Cameron, Gannon, Goedde, Keough, Little, McWilliams, Noble, Noh, Pearce, Schroeder, and Acting Senator Kumm, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Mendi Ward, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Gannon, Goedde, Little, McWilliams, Noh, and Stennett were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 8, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Andreason, Sorensen, and Acting Senator Kumm were recorded present at this order of business.

April 8, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 400** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 400** was referred to the Fourteenth Order of Business, General Calendar.

April 9, 2003

The TRANSPORTATION Committee reports out **H 395** with the recommendation that it do pass.

INGRAM, Chairman

H 395 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

Senator Schroeder was recorded present at this order of business.

April 8, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1002, as amended, **S 1010**, as amended, **S 1028**,
S 1050, **S 1053**, as amended, **S 1075**, **S 1079**, **S 1082**,
S 1097, **S 1102**, as amended, **S 1108**, as amended,
as amended, **S 1115**, as amended in the House, **S 1121**
S 1127, **S 1128**, **S 1136**, as amended, **S 1137**, **S 1139**,
S 1160, **S 1165**, **S 1166**, **S 1167**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Burkett, Keough, and Pearce were recorded present at this order of business.

April 8, 2003

Mr. President:

I transmit herewith **H 394**, and I return herewith **S 1170**, which have passed the House.

JUKER, Chief Clerk

H 394 was filed for first reading.

S 1170 was referred to the Judiciary and Rules Committee for enrolling.

April 8, 2003

Mr. President:

I transmit herewith Enrolled **HCR 29**, **HJM 11**, **H 279**, and **H 367** for the signature of the President, and I return herewith Enrolled **S 1133**, as amended, which have been signed by the Speaker.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 29**, **HJM 11**, **H 279**, and **H 367** and ordered them returned to the House.

Enrolled **S 1133**, as amended, was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

April 9, 2003

Mr. President:

I transmit herewith Enrolled **H 283**, as amended, **H 284**, **H 44**, **H 387**, and **H 385** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 283**, as amended, **H 284**, **H 44**, **H 387**, and **H 385** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 394, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Cameron was recorded present at this order of business.

On request by Senator Hill, granted by unanimous consent, **H 136**, as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

H 386, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

H 392 and **H 294**, by Ways and Means Committee, were read the second time at length and filed for third reading.

S 1180, by Finance Committee, was read the second time at length and filed for third reading.

H 374, as amended in the Senate, by Ways and Means Committee, was read the second time at length and filed for third reading.

S 1073, as amended in the House, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1148, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **H 264**, having been held, and **H 317**, having been held, retained their place on the Third Reading Calendar for Thursday, April 10, 2003.

H 365 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Kumm (Malepeai), Little, Lodge, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 365** passed, title was approved, and the bill ordered returned to the House.

H 376 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Kumm (Malepeai), Little, Lodge, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 376** passed, title was approved, and the bill ordered returned to the House.

H 391 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Burtenshaw and Williams arose as co-sponsors of the bill and opened the debate.

On request by Senator Davis, granted by unanimous consent, **H 391** retained its place on the Third Reading Calendar for one legislative day.

S 1051, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Goedde and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Kumm (Malepeai), Lodge, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Little, Stegner. Total - 2.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1051**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

S 1084, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Kumm (Malepeai), Little, Lodge, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1084**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills with **H 264** and **H 317** at the foot of the Calendar.

On motion by Senator Davis, seconded by Senator Marley, by voice vote the Senate recessed at 11:55 a.m. until the hour of 2 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 2 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Brandt, Burkett, Burtenshaw, Cameron, Kennedy, Noble, Noh, Pearce, Schroeder, Stegner, Stennett, Sweet, and Williams, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:15 p.m. until the hour of 10:30 a.m., Thursday, April 10, 2003.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary